

REMARKS

Claims 34 and 35 were pending in the application prior to the present amendment, by which claim 35 has been canceled and new claims 36-40 have been added.

The new claims are supported, for example, at page 101, line 21 through page 102, line 2 of U.S. Serial No. 09/334,488 (as filed on June 16, 1999), which issued as U.S. Patent No. 6,214,865 on April 10, 2001. The contents of the '488 application have been incorporated into the present application by reference, and priority to the '488 application is claimed in the present application (see page 1, lines 4-14 of the present application). No new matter is added by the amendments. The above-noted passage from the '488 application, which supports the new claims is as follows:

The invention features pharmaceutical compositions which include a compound of formula (I) and a pharmaceutically-acceptable carrier. Compositions can also include a combination of disclosed compounds, or a combination of one or more disclosed compounds and other pharmaceutically-active agents, such as an anti-tumor agent, an immune-stimulating agent, an interferon, a cytokine, an anti-MDR agent or an anti-angiogenesis agent. Compositions can be formulated for oral, topical, parenteral, intravenous, or intramuscular administration, or administration by injection or inhalation. Formulations can also be prepared for controlled-release, including transdermal patches.

Claims 34 and 35 were rejected under 35 U.S.C. § 103(a) for obviousness over Aicher, J. Am. Chem. Soc. 114:3162-3164, 1992, and Campbell, PMID:1355018, 1992, with the Examiner stating that it would have been obvious to combine two compounds to perform the same function as they each do individually. In response, we note that the present claims do not specify the anti-emetic compounds taught in the Campbell reference. Further, we note that the compound of the present claims (see claim 34, above) differs in structure from the compound described by Aicher

as having anti-tumor activity (halichondrin B; see, e.g., Scheme I of Aicher).

Applicants thus submit that the claims are in condition for allowance, and such action is respectfully requested. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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